

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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Robert W. Johnson,

Plaintiff

v.

Officer Ponticello,

Defendant

Case No. 2:24-cv-01728-JAD-DJA

**Order Adopting
Report and Recommendation**

ECF No. 4

On 11/4/24, the magistrate judge entered the following report and recommendation:

On September 20, 2024, the Court denied Plaintiff's application to proceed *in forma pauperis* and directed him to file a new one or pay the filing fee on or before October 21, 2024. (ECF No. 3). In doing so, the Court explained that "[f]ailure to comply with this order may result in a recommendation to the district judge that this case be dismissed." (*Id.*). Plaintiff has missed this deadline. So, the Court recommends that Plaintiff's case be dismissed without prejudice. A dismissal without prejudice allows Plaintiff to refile a case with the Court, under a new case number.

Accordingly, the undersigned **RECOMMENDS** that this case be **DISMISSED** without prejudice. The Clerk of Court is kindly directed to send this recommendation to Plaintiff.

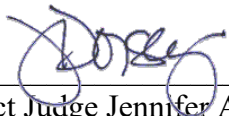
NOTICE

Pursuant to Local Rule IB 3-2 any objection to this Report and Recommendation must be in writing and filed with the Clerk of the Court within (14) days after service of this Notice. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985), *reh'g denied*, 474 U.S. 1111 (1986). The Ninth Circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the

1 objectionable issues waives the right to appeal the District Court's order and/or appeal factual
2 issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991);
3 *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

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8 The deadline for any party to object to this recommendation was 11/18/24, and no party
9 filed anything or asked to extend the deadline to do so. "[N]o review is required of a magistrate
10 judge's report and recommendation unless objections are filed." *United States v. Reyna-Tapia*, 328
11 F.3d 1114, 1121 (9th Cir. 2003). Having reviewed the report and recommendation, I find good
12 cause to adopt it, and I do. IT IS THEREFORE ORDERED that the Magistrate Judge's Report and
13 Recommendation [ECF No. 4] is **ADOPTED** in its entirety, **THIS CASE IS DISMISSED**
14 **without prejudice, and the Clerk of Court is directed to CLOSE THIS CASE.** If Robert
15 Johnson desires to proceed with his claims, he must file a new action because this one is now
16 closed.

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U.S. District Judge Jennifer A. Dorsey
Dated: November 19, 2024